

into the tunnel, said feed tube defining a feed path for a conduit for directing a conduit provided with perforations through the open end of the bag and into the bag [through which] in spaced relation to said bag exterior wall and the perforations in spaced relation
5 to said venting, whereby the material in the bag [may be] is treated by forcing a media through the conduit and through the material in the bag followed by venting to the atmosphere.

REMARKS

10 Applicant here submits the amendments of "Amendment After Final Action Under Rule 116" dated June 7, 1996 and filed June 12, 1996 except the amendment to Claim 1, line 9 inserting "continuous" before "perforated conduit" has been omitted. In the "Advisory Action" dated July 2, 1996, the Examiner indicated at page 2
15 thereof that the amendments of the June 12, 1996 "Amendment After Final" would be entered for purposes of appeal if the "continuous" limitation were deleted. Accordingly, entry of the herein amendment is requested.

20 Applicant will comment however that the "continuous" limitation is considered to already exist in the claims and the addition thereof to Claim 1 was intended to emphasize that fact.

In applicant's prior amendment of June 26, 1996 under the
25 Remarks Section, at page 3 starting with the paragraph at line 14, the entire argument relates to the continuous conduit provided by

applicant. At page 4, lines 2-6 applicant distinguishes over Taylor because "Taylor does not produce a continuous pipe laid along the length of the bagged material."

5 From Claim 1, starting at line 9, "during the bag filling process directing a perforated conduit--into the material contained in the bag and--providing thereby a perforated conduit extended substantially through the entire length of the bagged material,--;" and further, starting at line 16, "connecting the end of the
10 conduit to a media source--to be passed through the conduit perforations and into the length of the bagged material--."

Clearly this defines a continuous conduit and it is applicant's position that the addition of "continuous" was not a
15 new limitation. Nevertheless, as required by the Examiner, the term has been deleted from Claim 1. Entering of the remaining amendments as provided herein is respectfully requested.

Applicant also hereby reproduces the Remarks portion from the
20 prior Amendment After Final (not entered) with the exception of the portion referring to the "continuous" limitation previously offered for Claim 1 and refused entry.

Applicant is here offering amendments to the claims to
25 simplify the issues for appeal. In page 3 of the 4/11/96 Office Action, the examiner states:

"Since the method claimed does not specify the particular positioning of the 'vent' in the bag, it is maintained that this noted opening of the bag would operate as such." [As understood the examiner contends that pipe 54 equates to applicant's conduit and the "inherent" opening surrounding the pipe is a vent.]

10 This same position is reiterated at page 5.

Independent Claims 1 and 6 are amended to establish that the conduit and vent are spaced to induce media flow through the material. Further the conduit in each claim is also positioned to be spaced from the exterior bag wall to further distinguish from the prior formed passages indicated as 32 in Fig. 4 and 56 in Fig. 11.

The examiner considers there to be a space inherently created around Eggenmuller's vent tube 54. If such were the case, there would be no incentive to provide the vent tubes with "a flap 54 in order to prevent penetration of air into the mass of food." (Col. 7, lines 57-61) If such an opening is inherent, the flap would not prevent air penetration. Nevertheless applicant provides a media inlet and vent outlet in spaced relation to cause media flow to pass through the bagged material. Accordingly, applicant has amended the claims to require such spaced relation.

As a further point that applicant wishes to comment on, the examiner contends that the provision of a vent in the bag adds nothing to the structure of the bag filling machine, pointing out that such adds no definitive attribute to the apparatus. (Page 6

of the office action) The examiner has equated the Eggenmuller exhaust vent tube 54 to applicant's media inflow conduit. Applicant's point is that applicant requires both an exhaust vent and a media inflow conduit and like Eggenmuller, applicant's disclosed system provides an exhaust vent (34) in the end of the bag. (From Eggenmuller Col. 7, lines 56 & 57: "A ventilating pipe 54 is provided at the end of the mass.") Eggenmuller, unlike applicant, does not provide a conduit that is continuous and fed from the machine into the material for circulating a media throughout the length of the bag, all in addition to the required exhaust vent.

From applicant's Claim 1:

"connecting the end of the conduit to a media source and flowing a media into and through the conduit to be passed through the conduit perforations and into the length of bagged material"

From applicant's Claim 6:


"a feed tube mounted to the tunnel and extended from the exterior of said tunnel -- defining a feed path for a conduit --"

Taylor also does not feed conduit from a machine into a bag. He provides a continuous conduit but premounts the conduit prior to filling (if such can be referred to as filling). With the amendments and particularly as related to the positioning of the vent tube relative to the conduit, applicant believes that the claims are allowable over the cited art and if not considered such by the examiner, at least it overcomes the examiner's critique with

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as First Class Mail, in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the date indicated below.

Date Aug 9, 1986


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